

R E M A R K S

Applicants are pleased to note that claims 3, 5, 7 and 9 to 24 were considered to be allowable (see item no. 4 at the middle of page 3 of the Office Action).

Claim 1 was rejected under 35 USC 103 as being unpatentable over Shoshi et al. (USP 6,896,960) in view of Kausch (USP 6,893,731) for the reasons stated in item no. 2 on pages 2 and 3 of the Office Action.

It was stated in the Office Action that the primary reference, Shoshi et al., do not teach that the hard coat layer further comprises a nonionic surfactant having a HLB of 2 to 15. Accordingly, the Examiner applied a secondary reference, namely Kausch.

The following is a summary of the assignee information, inventorship and pertinent dates for Shoshi et al. and the above-identified application:

	<u>Shoshi et al. (USP 6,896,960)</u>	<u>Above-Identified Application</u>
Assignee	Lintec Corporation	Lintec Corporation
Inventorship	SHOSHI, INAOKA, TAKESAKO	SHOSHI, INAOKA, TAKESAKO
Filed in U.S.	July 28, 2003	August 4, 2003
U.S. Published Application	US 2004/0071986 published April 15, 2004	(not relevant)
Issue Date	May 24, 2005	_____

Based on the above summary, it is clear that USP 6,896,960 to Shoshi et al. is not a reference under 35 USC 103(a). The reason is that it does not meet any of the definitions of a reference as set forth under the various paragraphs of 35 USC 102.

Since Shoshi et al. is not a reference as defined by the paragraphs of 35 USC 102 (and is therefore not a reference for the purpose of a 35 USC 103 rejection), it is respectfully submitted that the combination rejection of Shoshi et al. and Kausch is rendered moot.

Withdrawal of the 35 USC 103 rejection is therefore respectfully requested.

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

Frishauf, Holtz, Goodman  
& Chick, P.C.  
220 Fifth Ave., 16th Floor  
New York, NY 10001-7708  
Tel. Nos. (212) 319-4900  
(212) 319-4551/Ext. 219  
Fax No.: (212) 319-5101  
E-Mail Address: BARTH@FHGC-LAW.COM  
RSB/ddf

Richard S. Barth

Reg. No. 28,180

